

**REMARKS**

New claims 21-34 have been added. Claims 1-20 have been canceled to further the prosecution of the application. Claims 21-34 are now pending in the present application. Applicants reserve the right to pursue the original claims and other claims in this application and in other applications.

Claims 1-20 stand rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Claims 1-20 stand rejected under 35 USC § 102(b) as being anticipated by Musteller. The rejections are respectfully traversed. Claims 1-20 have been canceled to further the prosecution of the application. Given this, the pending rejections are now moot and no longer applicable.

Regarding the newly added claims, Applicants note that corresponding Japanese patent application No. 2002-345055 was examined by the Japanese Patent Office and patented as Japanese patent No. 3931796 on March 23, 2007. The newly added claims are based upon the issued claims of Japanese patent No. 3931796.

The new claims are fully supported by the specification and original set of claims and do not constitute new matter. Moreover, the claims are believed to be in compliance with 35 U.S.C. § 101. For example, claims 21-31 recite “a computer readable storage medium storing a control program for an action game” that causes a computer to execute the described steps as opposed to the rejected “computer program” claims originally presented. Moreover, new Claims 32-34 recite “electronic device[s for] executing an action game” that are also believed to be in compliance with 35 U.S.C. § 101. The Office Action states that nothing tangible occurs in the claimed invention (Office Action at 2-3), however for example in claim 21, the claimed program causes a computer to “select, based on [a] decided selection order, one of [the] plurality of characters as [the] attack target and sequentially changing [the] attack target in response to an attack target changing operation by the game player.” Thus, Applicants respectfully submit that, contrary to the statements of the Office Action, there is a concrete, tangible, useful result that is defined in claim 1. For similar reasons, a

comparable concrete, tangible, useful result is also defined in claims 22, 32 and 34. Therefore, Applicants respectfully request that the § 101 rejection be withdrawn and the claims allowed.

In addition, the newly added claims, i.e., 21-34, are believed to be allowable over the cited reference, Musteller. Musteller merely relates to a chess game apparatus using an electrically operated chessboard. Musteller is completely different from the claimed invention, which is defined by claims 21-34. As such, Musteller fails to disclose, teach or suggest the subject matter of pending claims 21-34. Applicants respectfully request that the § 102 reference be withdrawn and claims 21-34 be allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

Dated: October 25, 2007

Respectfully submitted,

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